

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REX – REAL ESTATE EXCHANGE,
INC.,

Plaintiff,

v.

ZILLOW, INC., et al.,

Defendants.

C21-0312 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants’ motion for relief from deadlines, docket no. 211, is GRANTED, and the following deadlines are EXTENDED: (i) disclosure of rebuttal expert testimony under Federal Rule of Civil Procedure 26(a)(2)(D)(ii) is due on or before April 26, 2023; (ii) any remaining discovery motions are due by May 4, 2023, and shall be noted on the motion calendar no later than the third Friday thereafter; and (iii) discovery shall be completed by May 26, 2023. Additionally, Plaintiff may submit a limited reply expert report no later than May 10, 2023. The Court concludes that the current schedule is untenable and finds good cause to grant Defendants’ motion. *See* LCR 16(b)(6). On December 12, 2022, Plaintiff’s expert Dr. David Evans submitted a report that appears to substantially expand Plaintiff’s theory of harm in this action. *See* Ex. 2 to Schnepfer Decl. (docket no. 212). Moreover, despite commencing this action in March 2021, Plaintiff delayed in producing substantial discovery. *See* Schnepfer Decl. at ¶ 18 (docket no. 209) (explaining that of the 128,788 documents Plaintiff recently produced, more than 60% were produced after December 12, 2022); Schnepfer Decl. at ¶ 5 (docket no. 236) (demonstrating that Plaintiff produced almost 70% of its documents

1 after it submitted its expert reports). Further, the parties continue to engage in discovery
2 disputes and three recently filed motions to compel are pending before the Court.

3 (2) A status conference (to be conducted in person, at the United States
4 Courthouse in Seattle) is SET for Thursday, January 26, 2023, at 10:00 a.m. Counsel
5 shall be prepared to present oral argument on any pending motions before the Court,
6 including without limitation the motions to compel, docket nos. 196, 201, and 228. The
7 parties are DIRECTED to meet and confer prior to the status conference and shall be
8 prepared to discuss a proposed schedule for the remaining deadlines in this case.

9 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
10 record.

11 Dated this 11th day of January, 2023.

12
13
14
15
16
17
18
19
20
21
22
23
Ravi Subramanian
Clerk

s/Laurie Cuaresma
Deputy Clerk